

# EXHIBIT 4

## Chenery, Taylor

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**From:** Sweet, Kara (USATNM) <Kara.Sweet@usdoj.gov>  
**Sent:** Friday, August 19, 2022 3:29 PM  
**To:** Chenery, Taylor  
**Cc:** Roark, Brian; Sample, Taylor M.; Webber, Hannah E.; Richey, Stephanie (USATNM) [Contractor]; Salcido, Robert; Shuford, Wynn (USATNM); Jerry Martin; bryanvroon@gmail.com; Seth Hyatt  
**Subject:** RE: Methodist's Interrogatory No. 1 - Claims Data

Taylor,

The United States has not yet had a chance to fully compare the claims data produced by West and Methodist with the data the United States has produced, and we are not in a position to supplement our interrogatory response at present. As to the inpatient and outpatient data relating to claims submitted we have produced, I believe this production of documents is complete.

As to the prescription drug data, as I indicated, we requested that Methodist and the United States try to agree on what else needed to be produced as to the specific drugs and savings at issue for the 340B Discount Drug Program. Methodist did not respond. The United States again requests that either the parties agree on the scope of the production or Methodist provide data on the drugs and savings for the 340B Discount Drug Program relating directly or indirectly to the relationship with any West-related entity and Anovo. Please let me know if Methodist intends to produce this data or if we can reach an agreement.

The United States is not yet in a position to quantify the specific claims, but testimony and Methodist's internal documents have revealed that the savings to Methodist from the tainted claims were ~\$25-35M per year in the early years and went up to ~\$50M by the end of the relationship. Given the convoluted contractual arrangements around the pharmacies that were being operated at 100 N. Humphreys and then 7945 Wolf River, the United States is not yet in a position to supplement its discovery responses any further at this time.

As we continue to proceed through fact and expert discovery, we will further supplement our discovery responses and clearly identify the damages sought. That is precisely why there is fact and expert discovery.

Kara

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**From:** Chenery, Taylor <TChenery@bassberry.com>  
**Sent:** Friday, August 19, 2022 3:00 PM  
**To:** Sweet, Kara (USATNM) <KSweet@usa.doj.gov>  
**Cc:** Roark, Brian <BRoark@bassberry.com>; Sample, Taylor M. <taylor.sample@bassberry.com>; Webber, Hannah E. <hannah.webber@bassberry.com>; Salcido, Robert <rsalcido@AKINGUMP.COM>; Shuford, Wynn (USATNM) <WShuford@usa.doj.gov>; Jerry Martin <jmartin@barrettjohnston.com>; bryanvroon@gmail.com; Seth Hyatt <shyatt@barrettjohnston.com>  
**Subject:** [EXTERNAL] Methodist's Interrogatory No. 1 - Claims Data

Kara,

We have now been able to review the claims data that the government has produced and wanted to follow up on the status of the government's production and discovery responses. Methodist's Interrogatory No. 1 asks the government to identify the false claims that the government alleges are at issue. In response, the government refers to "the claims data produced in this action by the United States and West." The United States has produced 14 files of claims data: 6 files in a folder named "Methodist – Claims Data II," which appear to contain Methodist hospital claims for which a West

provider was the attending physician, and 8 files in a folder named "Data to LE for RFI-210816-00008," which appear to contain professional claims submitted by the West Clinic. We would like to confirm that this is the claims data to which the government refers in its response to Interrogatory No. 1? If the government also is referring to separate claims data produced by the former West Defendants, please identify that claims data.

The government's response to Interrogatory No. 1 also states that the government will seek damages arising from referrals for drug prescriptions. Does that statement refer to claims separate from those included in the data that the government already has produced? If so, please produce the claims data supporting those alleged damages as well.

Thanks,  
Taylor



**Taylor Chenery**

Member

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